



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,071	12/24/2001	Hans-Peter Lasse	GR00P80214	8168
24131	7590	11/05/2004	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			DANG, KHANH	
			ART UNIT	PAPER NUMBER
			2111	

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,071

Applicant(s)

LASSLE ET AL.

Examiner

Khanh Dang

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Fleck.

At the outset, it is noted that similar claims will be grouped together to avoid repetition.

As broadly drafted, these claims do not define any structure/step that differs from Fleck.

With regard to claim 6, Fleck discloses a system for exchanging data, comprising: a program-controlled device (processing unit 2); a logic circuit (bus control unit 3); a first line (control bus 6) conducting a control signal from said program-controlled device (2) to said logic circuit (3); and a bidirectionally usable, second line (bidirectional data bus 5) connecting said program-controlled device (2) to said logic circuit (3), said second line (5) being placeable in a dominant state by said logic circuit when data transmission is to be made by said logic circuit.

With regard to claim 7, the program-controlled device (2) is a microcontroller.

With regard to claim 8, it is clear from Fleck that the control signal is a strobe.

With regard to claim 9, the second line (control bus 6) carries a control signal; said program-controlled device (processing unit 2) and said logic circuit (bus control unit 3) form programs for transmitting data; said second line (data bus 5) enables data transmission from said logic circuit (3) to said program-controlled device (2) by maintaining a recessive state (wait states in Fleck) for a predefined time after a level change of the control signal and switching said second line to the dominant state (READY state) by the program-controlled device after the predefined time has expired; and said program-controlled device starts to transmit data to the logic circuit following the level change of the control signal.

With regard to claim 10, the program-controlled device (processing unit 2) switches said second line to the recessive state (wait states in Fleck) before the predefined time has expired to enable data transmission from said logic circuit (bus control unit 3) to said program-controlled device (processing unit 2). See also at least column 8, line 26 to column 9, line 21.

With regard to claim 11, the second line (data bus 5) is in the recessive state (wait states in Fleck); and said program-controlled device (processing unit 2) requests to receive data, maintains said second line (data bus 5) in the recessive state (countable wait states representing a predefined time), places the control signal in the first level, and starts counting the predefined time. See also at least column 8, line 26 to column 9, line 21.

With regard to claims 1-5, it is clear that one using the device of Fleck would have performed the same steps set forth in claims 1-5.

Response to Arguments

Applicants' arguments filed 8/24/2004 have been fully considered but they are not persuasive.

At the outset, Applicants are reminded that claims subject to examination will be given their broadest reasonable interpretation consistent with the specification. *In re Morris*, 127 F.3d 1048, 1054-55 (Fed. Cir. 1997). In fact, the "examiner has the duty of police claim language by giving it the broadest reasonable interpretation." *Springs Window Fashions LP v. Novo Industries, L.P.*, 65 USPQ2d 1862, 1830, (Fed. Cir. 2003). Applicants are also reminded that claimed subject matter not the specification, is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding the prior art. *In re Sporck*, 55 CCPA 743, 386 F.2d, 155 USPQ 687 (1986).

With this in mind, the discussion will focus on how the terms and relationships thereof in the claims are met by the references. Response to any limitations that are not in the claims or any arguments that are irrelevant and/or do not relate to any specific claim language will not be warranted.

The Fleck 102 Rejection:

With regard to claim 1, Applicants argue that "Fleck discloses a microprocessor formed of a processing unit 2, a bus control unit 3, an internal data bus 5 and an internal control bus 6. The Examiner equates the internal buses 5 and 6 of Fleck as being the same as the lines 3 and 4 in the instant application. However, a 16 line bus and a single line are not comparable, since a bus is formed of multiple lines (compare Fleck column 1, lines 21-23 and our application, page 3, lines 9-13)." Contrary to Applicants' argument, even if the bus of Fleck comprises a set of wires it is clear that the term "bus" in "data bus" and "control bus" is readable on the so-called "line." Alternatively, the term "bus" clearly includes a "line." Note that the word "single" does not appear anywhere in the claims. Applicants further argue that the "buses described in Fleck are used to read and write byte or word-wide data, e.g. they are used for parallel communication. Our bidirectional line 4 is used for serial communication, (another indication that line 4 is just a single line)." At the outset, it is noted that the words "serial" and "single" cannot be found in any of the claims. In response to Applicants' argument, it is clear that the bi-directional data bus of Fleck is readable on the claimed bi-directional line. Even if the bus of Fleck comprises a set of wires it is clear that the term "bus" in "data bus" and "control bus" is readable on the so-called "line." Alternatively, the term "bus" clearly includes a "line." Applicants also argue that Fleck does not disclose that "the second line is placeable in a dominant state by the logic circuit when a data transmission is to be made by the logic circuit." Contrary to Applicants' argument, it is clear that the data bus in Fleck must be enable (active) or in the so-called "dominant state" when data

Art Unit: 2111

transmission is to be made. In Fleck, the bus control unit (3) or logic circuit interconnects the external bus lines 7-9 with the respective internal buses 4-6 by latching and control logic (see column 5, lines 1-7). By latching, the data bus is enable or in a so-called "dominant state" when data transmission is to be made. Further, in Fleck, If enabled, an active low signal on the READY input pin signifies that data is available, and must be latched by the bus control unit or logic circuit. The bus control unit always inserts the programmed wait states and afterwards checks the READY input pin. In another word, after the wait states inserted by the control unit or logic circuit, the READY state signifies that data is available, and the external bus is latched by the control unit when data transmission is to be made. See additionally at least column 8, lines 24-63.


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Application/Control Number: 10/026,071
Art Unit: 2111

Page 7

Any inquiry concerning this communication should be directed to Khanh Dang at
telephone number 703-308-0211.

A handwritten signature in black ink, appearing to read "Khanh Dang", with a stylized flourish at the end.

Khanh Dang
Primary Examiner